

## CM/ECF News

On April 29, 2003, United States Bankruptcy Judge Robert J. Faris signed the Order Adopting Case Management / Electronic Case Files (CM/ECF) Administrative Procedures. The procedures become effective June 1, 2003, and govern the electronic filing, signing, verification and service of documents over the Internet by registered attorneys and certain other individuals. In implementing the CM/ECF system, the United States Bankruptcy Court for the District of Hawaii joins over 50 bankruptcy courts and over 20 district courts around the nation in extending electronic access to court documents.

**“Go Live” Date.** The court has scheduled June 9, 2003, as the official CM/ECF “go live” date. After the close of business on Friday, June 6, the systems staff will convert all the data existing in the present “NIBS” database system and export it into the CM/ECF system. When the court reopens on Monday, June 9, the bar and public will be able to access dockets and other case information in CM/ECF by using a PACER login and password at a remote computer, or by using a public terminal in the clerk’s office. There will be access to 3 general categories to search for case information and view documents: Query, Reports, and Utilities. Attorneys and others who have been trained, registered and issued separate ECF logins and passwords will have access to 2 additional categories: Bankruptcy and Adversary, used for filing documents. The Chapter 7 and Chapter 13 Trustees and the Office of the United States Trustee have received training in advance of the “Go Live” date and are expected to be the first electronic filers in the system.

**ECF User Registration.** Information is available at the court’s website about training, registration, and the CM/ECF system in general. Training classes (lasting approximately 3 hours, generally in the morning) will take place in the training room near the courtroom. Specific dates for the classes will be posted shortly. Please visit the CM/ECF web page at [www.hib.uscourts.gov](http://www.hib.uscourts.gov) to view the Order Adopting CM/ECF Administrative Procedures, the User Guide, and other pertinent information.



**“I don’t plan to do any Internet filing at this time. Will the CM/ECF procedures affect my practice?” YES.** In implementing the “CM” (Case Management) part of CM/ECF, the court is making a number of procedural changes effective June 1, 2003, of which the bar should be aware. These include:

- % **Mailing Matrix.** The list of creditors must be submitted as an ASCII Text (\*.txt) file on a computer diskette. The diskette should contain 1 file only, even if there are multiple petitions. Diskettes should be labeled with the name of the debtor and the attorney, and will be returned.
- % **Number of Copies.** Beginning June 1, 2003, filing parties need to submit only the original of the document being filed. The clerk’s office will file stamp and return to the filer up to 5 copies.
- % **Notice of Entry of Orders.** The clerk’s office will be providing the notice of entry of orders and judgments, as required by Fed. R. Bankr. P. 9022, by way of notices mailed out by the Bankruptcy Noticing Center (“BNC”). Any conformed copies of the actual orders will be returned to the filer by mail if a stamped, self-addressed envelope is provided. Otherwise, the conformed copies will be available for pick up at the clerk’s office, up to 30 days (to be disposed of if not collected).

% **Adversary Summons.** The Order Adopting CM/ECF Administrative Procedures authorizes the issuance of a summons by downloading a copy of form B250B from the court's website. The summons is pre-stamped with the Clerk's name and seal of the court. Before serving the summons, however, the plaintiff must obtain a scheduling conference date and time from the Courtroom Deputy at [calendar@hib.uscourts.gov](mailto:calendar@hib.uscourts.gov) or by calling (808) 522-8100 x 111. (These dates and times formerly were available at the clerk's office intake counter but now must be obtained directly from the Courtroom Deputy.)

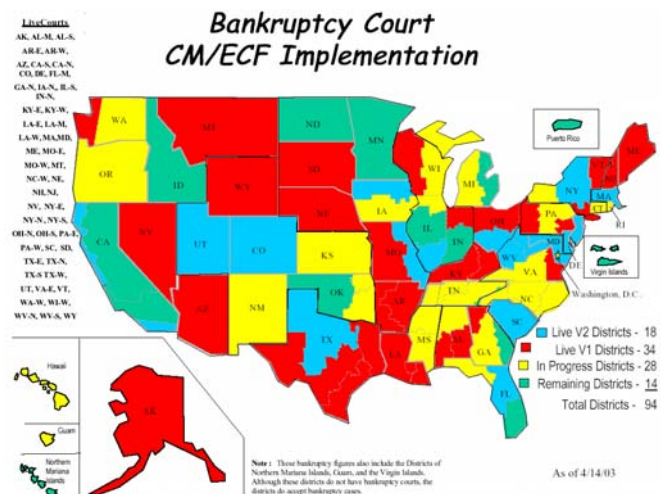
% **Assembly of Documents.** To facilitate the scanning of documents, papers need to be submitted without being bound by staples or prong fasteners. Binder clips rather than standard paper clips should be used.

% **Number of pages.** Although the court has been scanning documents since 1998, a recurring problem has been the downloading of large PDF ("Portable Document Format") files. To alleviate this problem, large documents should be broken down into parts no greater than 40 pages. A single large document should be separated into parts and labeled Part 1 of 3, Part 2 of 3, Part 3 of 3, for example.

% **"Virtual" Documents.** The Order Adopting CM/ECF Administrative Procedures authorizes "virtual" documents, defined as certain documents (including some orders) which are frequently used by trustees and the court and the text of which does not vary from case to case. A virtual document consists entirely of the text contained in the docket entry and is embodied in a separate document or electronic recording. Examples of a virtual document are a Chapter 7 Trustee's Report of No Distribution or a Final Decree issued by the court. There no longer will be a paper or image associated with the filing event.

% **Signatures on Orders.** Just as an attorney ECF User "signs" a document by using an ECF login and password with /s/ on the signature line, the court may issue orders similarly with a /s/ on the signature line for the judge. Alternatively, certain types of form orders may contain only the printed name of the judge.

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## Hawaii will soon join over 50 other Bankruptcy Courts in implementing CM/ECF

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**Videoconferencing.** The court hopes to expand the use of videoconference appearances at hearings by attorneys and parties on the Neighbor Islands, using the facilities of the Legal Aid Society. The program is currently undergoing testing but it is anticipated that parties wishing to appear by videoconference from Maui may do so beginning in June, 2003. Fee arrangements for a party's use of the Legal Aid Society's facilities have not been finalized, but it is expected that fees will not be charged until the initial testing phase has been completed. Further information about Neighbor Island videoconferencing will follow in an e-mail notice. Parties wishing to appear by videoconference may also contact Electronic Court Recorder Operator Neal Maeshiro at (808) 522-8100 x 110, or at [calendar@hib.uscourts.gov](mailto:calendar@hib.uscourts.gov).

**New Forms.** In conjunction with the implementation of CM/ECF, the court has revised or developed a number of forms, most of which are available as "fillable" PDF documents. A new forms "bank" will be available shortly at the court's website.

**CourtNotes.** This email newsletter is intended to keep the local bar informed about CM/ECF and other court news and procedures. If you wish to be added to (or removed from) the court's email list for receipt of this newsletter, or if you have any comments or questions, please contact Mark Van Allsburg, Clerk of Court, or [michael\\_dowling@hib.uscourts.gov](mailto:michael_dowling@hib.uscourts.gov).